

CHAPTER XXXV

An act to amend an act, passed in the year one thousand eight hundred and nineteen, chapter one thousand, entitled "An act giving to the Courts of Pleas and Quarter Sessions power to regulate separate elections."

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the County Court of Pleas and Quarter Sessions of this State, a majority of the justices being present, have full power and authority to fix and alter the place or places of holding separate elections, thirty days notice having been given in three or more public places, and at the court house, of the intended application for the same.

CHAPTER XXXVI

An act more effectually to subject the lands of deceased debtors to the payment of their debts.

Whereas, by the existing law, a devisee or heir at law of a deceased debtor may sell and convey any lands which may be devised, or which may have descended to him or her, before action brought or process sued out against such devisee or heir at law, to the great injury of honest creditors: For remedy whereof,

Preamble.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,*

Lands of deceased debtors liable to payment of their debts for the term of 2 yrs after probate of will or the granting letters of administration; and a conveyance of said land, by the heirs, until the expiration of that time, shall be null and void; and creditors may proceed against said land as if the conveyance had not been made.

That from and after the passage of this act, when any person shall die seized of any lands, and shall be indebted at the time of his or her death, all the lands of which he or she died seized shall be liable to the payment of his or her debts, for the term of two years after the probate of his or her last will and testament, or, in case he or she shall die intestate, for two years after administration granted on his or her estate. And all sales, conveyances or alienations of any lands of a deceased debtor, made by any devisee or devisees or heir or heirs at law of such deceased debtor, before the expiration of two years from the probate of the last will and testament of such deceased debtor, or before the expiration of two years after granting letters of administration on the estate of such deceased debtor, shall be utterly null and void, as to the creditors of the said deceased debtor. And the creditor or creditors of the deceased debtor may proceed against his or her real estate, in the same manner as if such conveyances never had been made by the devisee or heir at law of such deceased debtor: *Provided*, that nothing herein contained shall impair or in any way affect the right of a widow to dower in the lands of her deceased husband: *and provided also*, that this act shall not impair or in any way affect the right of any person or persons to whom any land shall be devised in trust or otherwise, or to whom power to sell land shall be given by any last will and testament, for the purpose of paying the debts of the devisor or testator, to sell or dispose of the same in order to carry into effect the intention of such devisor or testator; but every such person shall have the same power over such land as he or she now has; any thing herein contained to the contrary notwithstanding.

Proviso.

Further proviso.

II. *And be it further enacted*, That all laws and clauses of

Repealing clause.